

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2016 FEB 29 PM 4:24

MAURICE M. O'NEAL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CV 315-070
(underlying CR 311-006)

CLERK *[Signature]*
SO. DIST. OF GA.

ORDER

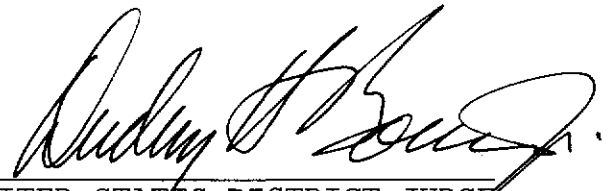
On February 12, 2016, this Court overruled Petitioner's objections to the Report and Recommendation of December 15, 2015, finding that his qualification under the Armed Career Criminal Act ("ACCA") is appropriate.¹ On February 23, 2016, this Court received three new motions from Petitioner: (1) a motion for leave to supplement the pleadings, executed on January 19, 2016; (2) a motion for relief from judgment, executed on February 11, 2016; and (3) a motion to alter and amend, executed on February 17, 2016.

The first motion is a re-filing of the motion addressed in this Court's Order of February 12, 2016. Accordingly, said motion (doc. no. 12) is **DENIED AS MOOT**. The second motion asks for relief from judgment based upon Petitioner's belief that this Court did not consider his late received motion to

¹ Petitioner had actually filed a motion to supplement the pleadings, but the Court construed the motion as late objections to the Report and Recommendation.

supplement the pleadings. Petitioner executed this motion one day prior to the Court's Order of February 12, 2016; therefore, Petitioner did not have the benefit of the Order, wherein the Court notes that it thoroughly considered the matters contained in his motion to supplement the pleadings. Accordingly, the second motion, a motion for relief from judgment (doc. no. 13), is also **DENIED AS MOOT**. Finally, the third motion takes exception to the Court's handling of the motion to supplement the pleadings. That is, Petitioner believes the Court should not have considered the motion as objections to the Report and Recommendation but should have allowed his supplemental pleading to be filed and considered. Petitioner has missed the point that the Court did consider his supplement pleading albeit as an objection. No matter what it is called, the substantive arguments contained therein do not warrant a reversal of the Report and Recommendation's well-reasoned decision on Petitioner's ACCA designation. Simply put, Petitioner's supplemental pleading does not change the result, just as the Court stated in its Order of February 12, 2016. For this reason, Petitioner's motion to alter or amend the order (doc. no. 14) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 29th day of February, 2016.


UNITED STATES DISTRICT JUDGE